

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.Nos.241 to 244 of of 2019

A.Govindaraj ...Petitioner in Crl.R.C.241/2019
R.Rajamani ...Petitioner in Crl.R.C.242/2019
P.Ramesh ...Petitioner in Crl.R.C.243/2019
L.Senthilnathan ...Petitioner in Crl.R.C.244/2019

-Vs-

State rep. by
Deputy Superintendent of Police,
EWO II Unit, Coimbatore. ...Respondent in all the Crl.RCs

Prayer in all the Crl. RCs: These Criminal Revision cases are filed under Sections 397 read with Section 401 of Cr.P.C. to consider the pleadings in the respective revision cases and the ingredients of Section of the TNPID act and the intention of the legislature and set aside the orders in Crl.M.P.No.3546, 3545, 3682 and 3544 of 2018 respectively in C.C.No.7 of 2015 dated 11.01.201 passed by the learned Special Judge, TNPID Act Court Cases, Coimbatore.

For Petitioners : Mr.N.P.Nagalakshmi in all the Rcs

For Respondent : Mr.R.Surya Prakash,
Government Advocate (Crl.Side) in all
the RCs

O R D E R

All the above revision cases are filed against the order dated 11.01.2019, dismissal of discharge petition filed under Section 239 of Cr.P.C. by the petitioners herein.

2 The petitioners are charged for the offence punishable under Sections 120(B), 406 and 420 IPC r/w Section 5 of TNPID Act. The petitioners are arrayed as A6, A4, A5 and A3 respectively. After, investigation, the respondent police has filed a charge sheet against the petitioners which was taken on file in C.C.No.7 of 2015. During pendency of the above case, the petitioners moved petitions separately under Section 239 of Cr.P.C., seeking discharge. The learned Magistrate, after advertng to the materials placed on record, by order dated 11.01.2019, has dismissed the petitions, by observing that there are enough materials and prima facie allegations to proceed against the petitioners. Against the dismissal of discharge petitions, the petitioners are before this Court with the present criminal revisions.

3 The learned counsel for the petitioners would submit that A1 is the Company and these petitioners are only the employees of A1/Company and only salaried persons. The petitioners are bound to follow whatever the instructions given by A1/Company. They are not responsible for the offence committed by A1/Company and hence they should not be punished for the offence committed by A1. The learned Magistrate, without considering the above aspect, has dismissed the petitions filed by the petitioners under Section 239 of Cr.P.C, seeking discharge, which warrants interference.

4 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are enough materials to proceed against the petitioners/accused and hence the learned Magistrate rightly dismissed the petitions, seeking discharge. Whatever the defence available for the accused, they can very well establish the same during trial.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 It is well settled law that when there is prima facie allegation made out against the accused to proceed the case, the Court need not give any reason to dismiss the petition seeking discharge and reason has to be given only for discharging the accused. Hence this Court does not find any illegality or infirmity in the order passed by the Court below. Further, while considering petition seeking discharge, the Court has to see the complaint and the documents filed by the prosecution under Section 173 of Cr.P.C. and not defence of the accused. In this case, a perusal of the documents produced by the prosecution, would go to show that there is much enough material to frame charge against the accused. The probative value of the materials need not be gone into at this stage and the same can be done only after trial. Whatever the defence available for the

petitioners/accused, it is always open to them to establish the same before the trial Court.

7 In the result, all the criminal revision cases are dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

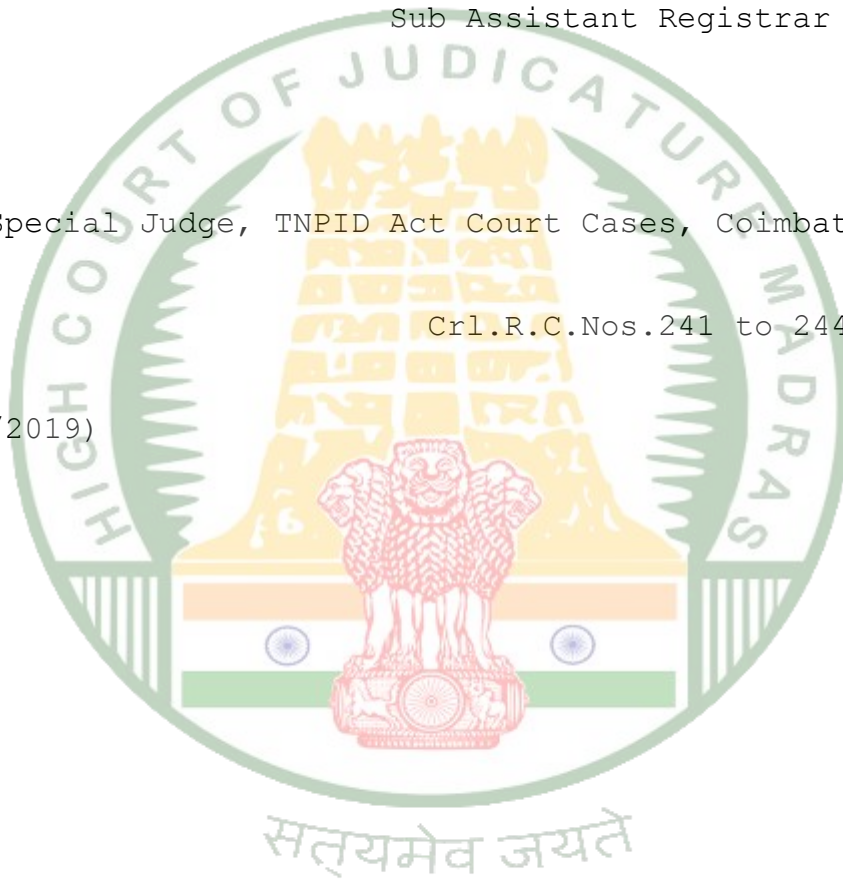
cgi

To

The Special Judge, TNPID Act Court Cases, Coimbatore.

Crl.R.C.Nos.241 to 244 of of 2019

PD (CO)
GMY (04/04/2019)



WEB COPY